

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD LOWERY,

Plaintiff,

v.

LILLIAN MILLS, in her official capacity as Dean of the McCombs School of Business at the University of Texas at Austin; ETHAN BURRIS, in his official capacity as Senior Associate Dean for Academic Affairs of the McCombs School of Business at the University of Texas-Austin; and SHERIDAN TITMAN, in his official capacity as Finance Department Chair for the McCombs School of Business at the University of Texas-Austin,

Defendants.

Case No. 1:23-cv-129-DAE

DECLARATION OF ENDEL KOLDE IN SUPPORT OF
MOTION TO COMPEL SUPPLEMENTAL EXPEDITED DISCOVERY

I, Endel Kolde, declare the following:

1. I am an adult and competent to make this declaration. I am lead counsel for Richard Lowery in this case.

2. On April 7, 2023, per Magistrate Judge Howell's Order, I served Defense counsel with deposition by written questions (DWQs) along with a deposition notice for each defendant, as required by Fed. R. Civ. P. 31.

3. A true and correct copy of the April 7, 2023, email to counsel is included in the email string attached as Exhibit X.

4. On April 17, 2023, Defense counsel emailed me their responses to the DWQs.

5. A true and correct copy of that April 17, 2023, email is included in the email string attached as Exhibit X.

6. True and correct copies of the Mills, Burris, and Titman DWQ responses are attached as Exhibits U, V, and W, respectively.

7. While the parties initially disagreed on the procedure for conducting the DWQs, they eventually stipulated that Defendants' sworn responses would serve in lieu of transcribed deposition testimony, subject to Plaintiff's reservations. *See Ex. X at 1.*

8. On April 18, 2023, I emailed defense counsel with a request for supplemental discovery and request to confer.

9. A true and correct copy of the April 18, 2023, email is included in the email string attached as Exhibit X.

10. On April 24, 2023, the parties conferred regarding the instant motion and defense counsel indicated all requests would be opposed and they would be cross-moving for a stay of the requirement to hold a Rule 26(f) planning conference.

11. Including the last conferral, I have asked defense counsel for Rule 26(f) conference dates on at least four separate occasions and not been given any dates.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this date, April 24, 2023.



Endel Kolde